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09/745,312	12/21/2000	Sascha Baumeister	DE919990096	2057

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT PAPER NUMBER

2175

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,312

Applicant(s)

BAUMEISTER ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 October 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

DOV POPOVICI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08-October-2003 has been entered.

### ***Remarks***

2. In response to communications filed on 08-October-2003, claims 1 and 13-15 are amended, and new claim 18 is added per applicant's request. Therefore, claims 1-18 are presently pending in the application.

### ***Claim Objections***

3. Claims 6-8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims 6-8, or amend claims 6-8 to place the claims in proper dependent form, or rewrite claims 6-8 in independent form.

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Claim 6 recites the limitation “a computer system” in line 1. Since claim 6 depends on the base claim (a “method” claim), recitation of a “computer system” to further limit a “method” claim is improper.

Claim 7 recites the limitation “a computer program” in line 1. Since claim 7 depends on the base claim 1 (a “method” claim), recitation of a “computer program” to further limit a “method” claim is improper.

Claim 8 recites the limitation “a computer program product” in line 1. Since claim 8 depends on the base claim 1 (a “method” claim), recitation of a “computer program product” to further limit a “method” claim is improper.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-3 and 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sedlar (U.S. Patent No. 6,549,916.)

As to claim 1, Sedlar teaches a method for managing (see Abstract) a hierarchical file system (see figure 6, and see column 6, lines 54-61) comprising:

providing transaction program means (see column 12, line 53 through column 13, line 14, and see column 13, line 53 through column 14, line 16) arranged for a cooperation with the hierarchical file system (see column 21, lines 54-59) and with one or more managers (see column 14, line 45 through column 15, line 15), the transaction program means implementing transactional functionality (see column 14, lines 45-53) to effectuate consistent transactional changes to one or more files of the hierarchical file system (see column 13, lines 53-61) and to one or more resources managed by the one or more managers (see column 14, lines 19-29, where "resource" is read on "database" and the "manager" is read on "the server"), wherein the one or more resources managed by the one or more managers are related to the one or more files of the hierarchical file system (see column 7, lines 7-13, column 21, lines 31-43, and see column 28, lines 40-51.)

As to claim 2, Sedlar teaches wherein the transaction program means implements a commit and/or rollback facility (see column 14, lines 45-53.)

As to claim 3, Sedlar teaches wherein the transaction program means is arranged for communicating with the file system via a protocol directed to cover changes made to the file system (see column 16, lines 20-33, and see column 27, line 62 through column 28, line 7.)



As to claim 10, Sedlar teaches wherein the transaction program means is implemented in the file system itself (see column 6, lines 56-53.)

As to claim 11, Sedlar teaches wherein the transaction program means processes commands (see column 5, lines 3-16) by transaction manager means arranged for cooperating with a database management system (see column 5, lines 17-23.)

As to claim 12, Sedlar teaches a method (see Abstract) for managing a file system (see figure 6, and see column 6, lines 54-61) comprising using transaction program means (see column 12, line 53 through column 13, line 14, and see column 13, line 53 through column 14, line 16) implemented for a cooperation with the file system (see column 21, lines 54-59.)

As to claim 13, Sedlar teaches a computer system (see Abstract) being able to access a hierarchical file system (see figure 6) which is manageable by transaction program means according to a method of managing a hierarchical file system (see column 4, lines 51-66.)

For the remaining teachings of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.

As to claim 14, Sedlar teaches a computer program for execution in a data processing system comprising computer program code portions (see Abstract, where “techniques for

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managing files in a computer system” is taught. Also see figure 18, and see column 43, lines 1-27. It is inherent that “computers” run on “computer programs”.)

For the remaining teachings of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.

As to claim 15, Sedlar teaches a computer program product stored on a computer usable medium comprising computer readable program means for causing a computer to perform the method of managing a hierarchical file system (see figure 18, and see column 43, lines 1-27.)

For the remaining teachings of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.

As to claim 16, Sedlar teaches wherein the files have different file formats (see column 37, lines 31-67, and see column 40, lines 32-60.)

As to claim 17, Sedlar teaches wherein the transaction program means (see column 12, line 53 through column 13, line 14, and see column 13, line 53 through column 14, line 16) implements transactional functionality (see column 14, lines 45-53) to effectuate changes to files of the hierarchical file system (see column 13, lines 53-61) notwithstanding that the files have unknown file formats (see column 37, lines 42-56, and see column 42, lines 21-33.)

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As to claim 18, Sedlar teaches wherein the one or more resources managed by the one or more managers comprises data in a database (see column 5, lines 4-17, and see column 14, lines 19-29, where “resource” is read on “database” and the “manager” is read on “the server”.)

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sedlar (U.S. Patent No. 6,549,916) in view of Coleman et al (U.S. patent No. 6,032,154.)

As to claim 4, Sedlar teaches communications protocols (see column 15, line 46 through column 16, line 19.)

Sedlar does not teach wherein the protocol is XD SM or is derivable from XD SM, or comprises XD SM-equivalent functions.

Coleman et al teaches a data storage and management system for use with a multiple protocol management system (see Abstract), in which he teaches wherein the protocol is XD SM or is derivable from XD SM, or comprises XD SM-equivalent functions (see column



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5, lines 25-41, and see column 7, lines 29-39, where “XDSM protocol” is concluded in “a stack of protocol drivers in accordance with ISO/OSI standards”.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Sedlar to include wherein the protocol is XDSM or is derivable from XDSM, or comprises XDSM-equivalent functions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Sedlar by the teaching of Coleman et al, because wherein the protocol is XDSM or is derivable from XDSM, or comprises XDSM-equivalent functions, enables the system to perform transactional functions using protocols designed specifically for the transactional environment, performing with high speed and increased efficiency.

As to claim 5, Sedlar as modified teaches a method (see Sedlar, Abstract) for managing a file system (see Sedlar, figure 6, and see column 6, lines 54-61) comprising using transaction program means (see Sedlar, column 12, line 53 through column 13, line 14, and see column 13, line 53 through column 14, line 16) implemented for a cooperation with the file system (see Sedlar, column 21, lines 54-59.)

As to claim 6, Sedlar as modified teaches a computer system (see Sedlar, Abstract) being able to access a file system (see Sedlar, figure 6), which is manageable by transaction program means according to a method of claim 4 (the applicant is kindly directed to the remarks and discussions made in claim 4 above.)

As to claim 7, Sedlar as modified teaches a computer program for execution in a data processing system comprising computer program code portions (see Sedlar, Abstract, where “techniques for managing files in a computer system” is taught. Also see figure 18, and see column 43, lines 1-27. It is inherent that “computers” run on “computer programs”) for performing the steps of the method of claim 4 (the applicant is kindly directed to the remarks and discussions made in claim 4 above.)

As to claim 8, Sedlar as modified teaches a computer program product stored on a computer usable medium comprising computer readable program means for causing a computer to perform (see Sedlar, figure 18, and see column 43, lines 1-27) the method of claim 4 (the applicant is kindly directed to the remarks and discussions made in claim 4 above.)

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sedlar (U.S. Patent No. 6,549,916) in view of Khalidi et al (U.S. patent No. 5,561,799.)

As to claim 9, Sedlar teaches a transaction program means (see column 12, line 53 through column 13, line 14, and see column 13, line 53 through column 14, line 16.)

Sedlar does not teach wherein the transaction program means is implemented as a stacked file system.

Khalidi et al teaches an extensible file system (see Abstract), in which he teaches wherein the transaction program means is implemented as a stacked file system (see column 5, line 64 through column 5, line 28.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Sedlar to include wherein the transaction program means is implemented as a stacked file system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Sedlar by the teaching of Khalidi et al, because wherein the transaction program means is implemented as a stacked file system, enables the users to extend the file system and its functionality, as well as ease of access to the files and the movement of such files within the data storage device.

### *Response to Arguments*

9. Applicant's arguments filed on 08-October-2003 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of new grounds of rejection.

### *Conclusion*


10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

October 29, 2003

  
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